

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)	<u>IN PROCEEDINGS UNDER CHAPTER 7</u>
)	
DEAN MAYNARD BOLAND,)	CASE NO. 16-10250-jps
)	
Debtor)	U.S. BANKRUPTCY JUDGE
)	JESSICA E. PRICE SMITH

MOTION OF DEBTOR, DEAN MAYNARD BOLAND,
FOR ABANDONMENT OF REAL PROPERTY
(Real Property located at 1440 Lewis Drive, Lakewood, Ohio)
(This Motion deviates in its entirety from Local Forms)

The Movant, Dean Maynard Boland, moves this Court, under Bankruptcy Code §554 and other sections of Title 11 of the United States Code, under Federal Rule of Bankruptcy Procedure 6007, and under Local Bankruptcy Rule 6007-1 for an order of abandonment of property.

MEMORANDUM IN SUPPORT

1. The Court has jurisdiction over this matter under 28 U.S.C. §§157 and 1334. This is a core proceeding under 28 U.S.C. §157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§1408 and 1409.

2. The Debtor, Dean Maynard Boland, is the owner of the real property located at 1440 Lewis Drive, Lakewood, Ohio (the “Property”), more fully described in Exhibit “A” attached hereto.

3. NOT APPLICABLE.

4. NOT APPLICABLE.

5. NOT APPLICABLE.

6. NOT APPLICABLE.

7. NOT APPLICABLE.

8. NOT APPLICABLE.

9. The value of the entire interest in the Property is \$148,500.00. This valuation is based upon the valuation according to the Cuyahoga County Auditor. The Debtor believes that the Property has a fair market value of \$230,000.00. The Debtor is the owner of the Property.

10. NOT APPLICABLE.

11. NOT APPLICABLE.

12. Other parties known to have an interest in the Property besides the debtor and the trustee are:

Matrix Financial Services Corporation holds a mortgage with the balance owed of \$104,140.41.

State of Ohio, Department of Taxation holds liens with the total balance owed of \$57,497.26.

The Debtor has claimed an exemption in the Property in the sum of \$132,900.00.

13. NOT APPLICABLE.

14. The Movant has not completed the worksheet otherwise required in this District because it is not applicable to a Motion brought by the Debtor and owner of the Property.

15. Movant is entitled to an order directing the Trustee to abandon the Property under 11 U.S.C. §554(b) for these reasons (check all that apply):

- ☐ The Property is burdensome to the estate because _____.
- X** The Property is of inconsequential value and benefit to the estate because upon liquidation of the Property no proceeds will remain for the benefit of the estate.

16. This Motion conforms to the standard form adopted in this District except as follows:

The opening unnumbered paragraph is modified to delete references to relief from the automatic stay. Paragraph 2 is modified to show that the Movant is the Debtor and the owner of the Property and not a secured creditor. Paragraphs 3, 4, 5, 6, 7, 8, 10, 11, and 13 of the standard form are not applicable to a Motion for Abandonment brought by the Debtor and owner of the Property.

WHEREFORE, the Movant, Dean Maynard Boland, prays for an Order from the Court requiring the Trustee to abandon his interest in the above described real property, and for such other and further relief as this Court may deem just.

/s/ Stephen D. Hobt

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SERVICE

I certify that, on August 10, 2016, a true and correct copy of the foregoing Motion of the Debtor, Dean Maynard Boland, for Abandonment of Real Property was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Richard A. Baumgart, Esq., Chapter 7 Trustee, at baumgart_trustee@dsb-law.com.
Dov Frankel, Esq., on behalf of John W. Forrest, at dfrankel@taftlaw.com.

Christopher P. Kennedy, Esq., on behalf of Matrix Financial Services Corp.,
at bankruptcy@carlisle-law.com.

Nicholas E. O'Bryan, Esq., on behalf of U.S. Bank National Association,
at bk-notices@lauritolaw.com.

Jonathan E. Rosenbaum, Esq., on behalf of Peter M. Lora and Victoria Bloom,
at jerosenbaum@windstream.net.

Sheldon Stein, Esq., on behalf of Peter M. Lora and Victoria Bloom,
at ssteindocs@gmail.com.

And by regular U.S. mail, postage prepaid, on:

Dean Maynard Boland
1440 Lewis Drive
Lakewood, Ohio 44107

Ohio Department of Taxation
Bankruptcy Division
P.O. Box 530
Columbus, Ohio 43216

Under penalty of perjury, I declare that the foregoing is true and correct.

Dated: August 10, 2016.

/s/ Stephen D. Hobt

STEPHEN D. HOBT
Attorney for Debtor

EXHIBIT A

Situated in the City of Lakewood, County of Cuyahoga, and State of Ohio: and known as being Sublot No. 194 in Homesite Company's Waterbury-Parkway Subdivision of Part of Original Rockport Township Section No. 21, as shown by the recorded plat in Volume 57 of Maps, Page 18 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent parcel number 315-04-048.

Address: 1440 Lewis Drive, Lakewood, Ohio 44107.